Petitioner

6100 BALTIMORE NATIONAL PIKE

CATONSVILLE, MARYLAND 21228

election district.

Zoning Commissiones

County Office Building 111 West Chesapeake Avenue 'awson, Maryland 21204

SUITE 5 AND 6

* * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 1327 Willow Spring Road, consists of 12,359 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling. Petitioner testified he purchased the subject property in May 1990 with the intention of subdividing the property and constructing another single family dwelling on the newly created lot. Testimony indicated that Petitioner has been self-employed as a builder for the past 12 years. Mr. Nieberline testified that he builds approximately 6 homes each year, with as few as 3 in the past few years. He testified that due to the unique shape of the subject property, the requested variance is needed in order to develop proposed Lot 2 as depicted in Petitioner's Exhibit 1. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community. Further, Petitioner indicated that he would be willing to comply with the comments submitted by the Office of Planning dated August 23, 1990.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

JOHN C. MELLEMA SR.

ZONING DESCRIPTION FOR # 1327 WILLOW SPRING ROAD

a distance of 335 feet more or less East of the centerline of the

June 14, 1990

Beginning at a point on the South side of Willow Spring Road at

nearest intersecting Street Moodbridge Road. Being lot number 2 in the

Subdivision of Willow Spring as recorded in Baltimore County Maryland

Land Records in liber 8394 folio 259 containing 12359 square feet of

land, also known a # 1327 Willow Spring Road and located in the first

missioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of October, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioner shall submit a landscaping plan for approval by the Director and/or Deputy Director of Planning. A copy of the approved plan shall be submitted to this Office for inclusion in the case file.

> (in Mistanger ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR F Date 10/8/01 By 350

- 2-

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenu

Account: R-001-6150 2929

2947

Date 7/13/40 - 01-615

(tem #13

Receipt for Residential Variona Nieberline, Richard

04A04#0084MICHRC

Number of Signs: ____/

BA COID:13AM07-13-90 Please make checks payable to: Baltimore County

gelieset

2929

H9100013 PUBLIC HEARING FEES

010 -ZONING VARIANCE (IRL) TOTAL: \$35.00 LAST NAME OF OWNER: NIEBERLINE

> PAID PER HAND WRITTEN RECEIPT #2929 DATED 7/13/90

91-54-8 CENTIFICATE OF POSTING PARTMENT OF SALTIMORE COUNTY Date of Posting September 17, 1990. Variance. Richard D. nieberline Location of property S. E. S. Willow Spring Boad, 400' NE of 41 of Woodridge Road. 1327 Willow Spring Road Location of Some her front of 1327 Willow Spring Road

Dennis F. Rasmussen SE/S Willow Spring Road, 400' NE of the c/l of Woodbridge Road 1st Election District - 1st Councilmanic District Richard D. Nieberline - Petitioner

Dear Mr. Nieberline:

Case No. 91-54-A

Mr. Richard D. Nieberline

Ellicott City, Maryland 21043

RE: PETITION FOR ZONING VARIANCE

(1327 Willow Spring Road)

Baltimore County

(201) 387-3353

J. Robert Haines

Zoning Commissioner
Stiffee of Planning & Zoning

Towson, Maryland 21204

3227 Church Lane

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

October 18, 1990

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

in your street, ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

File

AMN:bjs

The Zoring Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Petition for Zoning Variance Case number: 91-54-A SE/S Willow Spring Road, 400" NE of c/I Woodbridge Variance: to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTICE OF HEARING

J. ROBERT HAINES

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 9-12, 19 90

THE JEFFERSONIAN.

S. Zehe Olm

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3598

\$68.57

Baltimore County **Zoning Commisioner** County Office Building 111 West Chesapeake Avenue

4. <u>98</u>-19

191 //288 PUBLIC HEAPING FLLS OBO POSTING FIGNO / HOMERIESING I TOTAL: \$93.57 LAST NAME OF OWNERS NICEERLINE

> 04A04#0171MICHRC 6A COO1:06PM10-09-90

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-54-1 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 BO2. 3. C. 1 To PERMIT A REAR YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) OWNER DESIRES TO CONSTRUCT A DWELLING ON PROPOSED

LOT Z WHICH FRONT WILLOW SPRING ROAD, CURRENT ZONING REGULATIONS SEVERELY RESTRICT THE SIZE OF THE DWELLING THAT MAY BE CONSTRUCTED.

DATE 11-21-5 Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

> I/We do solemnly declare and affirm. under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): (Type or Print Name)

--------City and State Attorney for Petitioner: 301465 8390 (Type or Print Name)

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

8227 CHURCH LA 301465-8390

ORDERED By The Zoning Commissioner of Baltimore County, this (.

Dennis F. Rasmussen County Executive

mux - 7/13/10 est tine - + hr. acail anytime

Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zening Commissioner

DATE 9/25/90 Richard D. Nieberline

8227 Church Lane Ellicott City, Maryland 21043

Baltimore County

Contract Purchaser:

Signature

(Type or Print Name)

Petition for Zoning Variance CASE NUMBER: 91-54-A SE/S Willow Spring Road, 4UU NE of c/l of Woodbridge Road 1327 Willow Spring Road

1st Election District - 1st Councilmanic Petitioner(s): Richard D. Nieberline HEARING: TUESDAY, OCTOBER 9, 1990 at 2:00 p.m.

Please be advised that \$93.57 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & PUST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set

> J. Robert Stainer J. ROBERT HAINES ZONING COMMISSIONER

JRHigs

MAP NIG

te. a. _____

F-2

August 9, 1990

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeaka Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 91-54-A SE/S Willow Spring Road, 400' NE of c/l of Woodbridge Road 1327 Willow Spring Road 1st Election District - 1st Councilmanic Petitioner(s): Richard D. Nieberline HEARING: TUESDAY, OCTOBER 9, 1990 at 2:00 p.m.

Variance to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

cc: Richard d. Nieberline

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405

Towson, Maryland 21204

(301) 887-3554

August 10, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 11, 13, 15, 16, 17, 18, 20, 22, 23, 24, 25, 28,

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II



ZONING OFFICE

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

September 24, 1990

Mr. Richard D. Nieberline 8227 Chruch Lane Ellicott City, MD 21043



Dennis F. Rasmussen
County Executive

RE: Item No. 13, Case No. 91-54-A Petitioner: Richard D. Nieberline Petition for Zoning Variance

Dear Mr. Nieberline:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, Chairman

Zoning Plans Advisory Committee

Enclosures

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

JULY 30, 1990

Dennis F. Rasmussen

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RICHARD D. NIEBERLINE RE: Property Owner:

> #1327 WILLOW SPRING ROAD Location:

Zoning Agenda: AUGUST 7, 1990 Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

Fire Prevention Bureau Planding Group Special Inspection Division

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner



AUG C 8 1390

Your petition has been received and accepted for filing this

7th day of August, 1990.

J. ROBERT HAINES ZONING COMMISSIONER Received By:

Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

ZONING TIEM #: /3

ELECTION DISTRICT:

COUNCILMANIC DISTRICT:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

PROPERTY OWNER:

LOCATION:

PERMITS & LICENSES

SUBJECT:

FOLLOWING:

HANDICAPPED.

() PARKING LOCATION

() BUILDING ACCESS

REQUIRED.

🚧 OTHER -

NUMBER PARKING SPACES

BALTIMORE COUNTY BUILDING CODE.

TO COMPLY TO NEW USE REQUIREMENTS.

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

→ A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.

SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EMISTING

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0

COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND

ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,

() RAMPS (degree slope)

() CURB CUTS

() SIGNAGE

Petitioner: Richard D. Nieberline Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: August 23, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Richard D. Nieberline, Item No. 13

The Petitioner requests a Variance to permit a rear yard setback of 10 ft. in lieu of the required 30 ft.

In reference to this request, staff offers the following comment:

- Should the Petitioner's request be granted, staff recommends that a landscape plan be filed with the Baltimore County landscape planner prior to the issuance of any building permits. Said plan should be provided to effectively screen the proposed house from the Baltimore beltway.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM13/ZAC1

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for August 7, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 11, 15, 16, 17, 18, 20, 23, 24, 25, and 28.

For Item 35, water and sewer are available to the site. The Developer is responsible for extension of the paved road to the proposed lot with an 18-foot open paving section, ending with a 40-foot x 50-foot turnaround area and any drainage structures required.

For Item 22, water and sewer are available to the site. No public improvements are required.

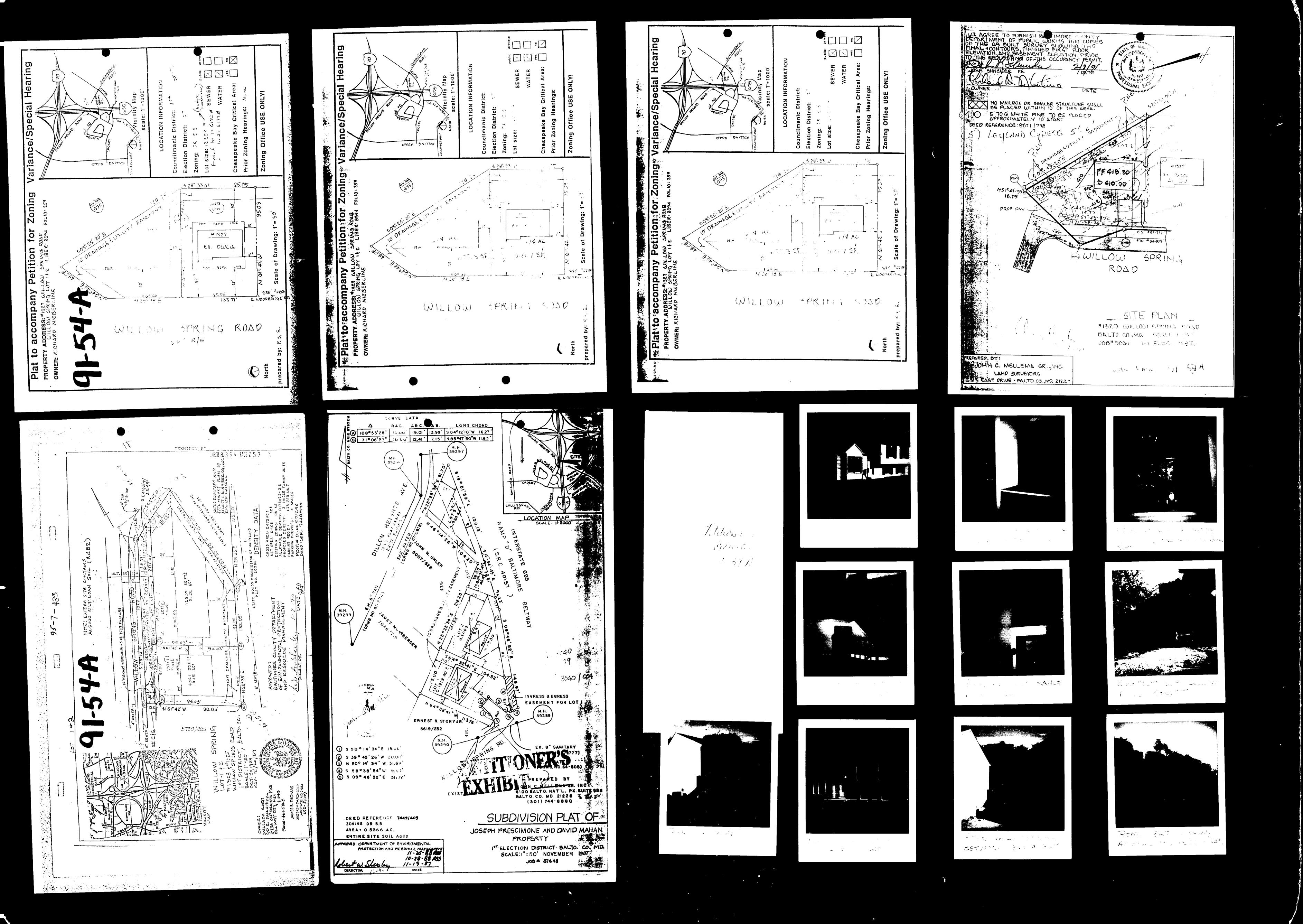
For Item 29, the 5-foot utility easement along the west lot line of Lot III is a County easement, and as such, no permanent structures are allowed within the easement area.

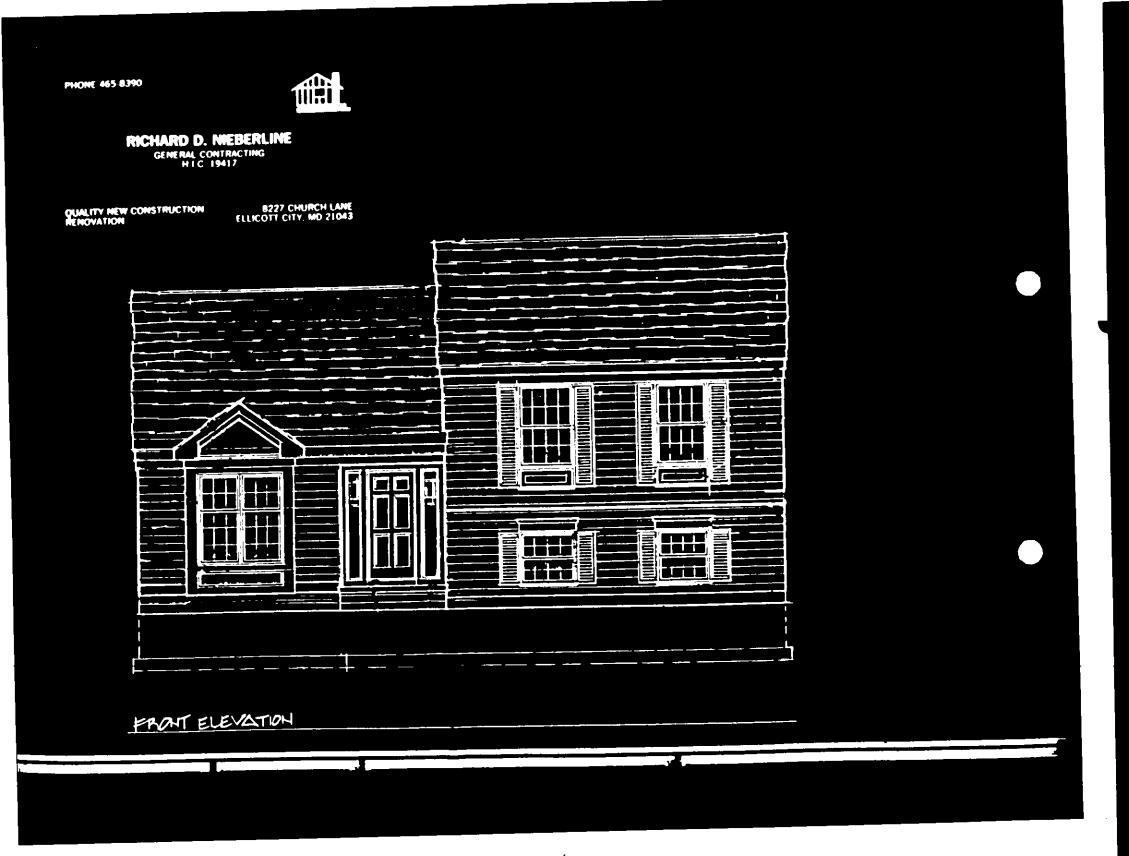
ROBERT W. BOWLING, P.E. CHIEF

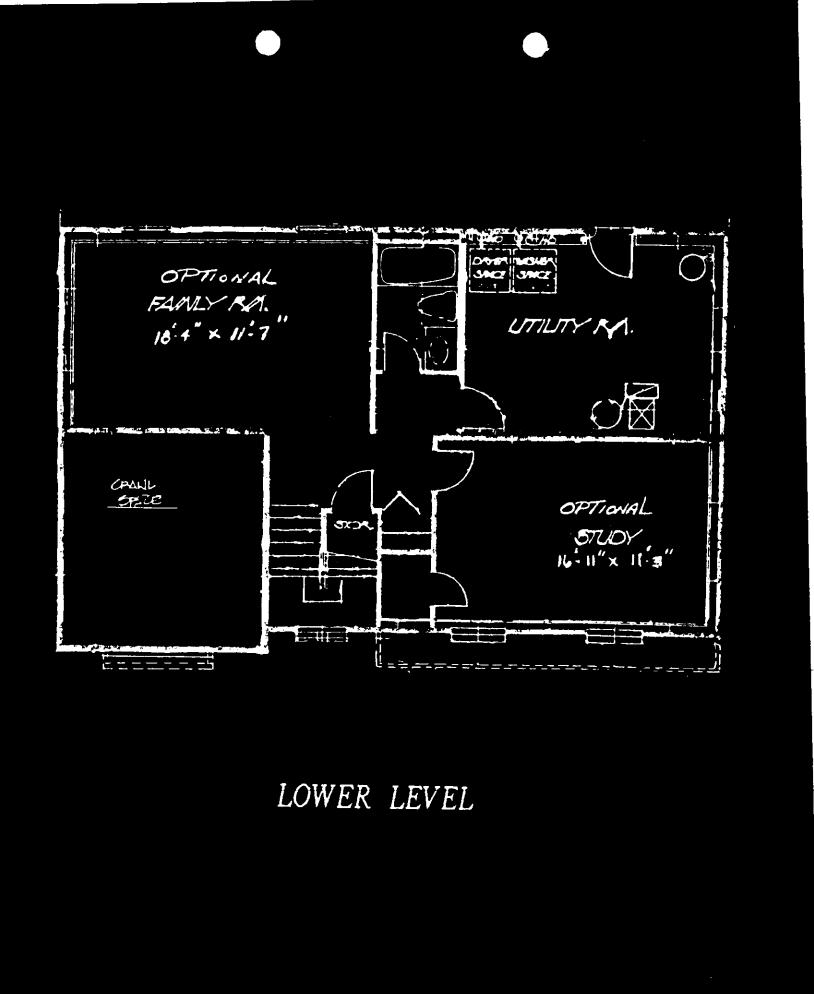
Developers Engineering Division

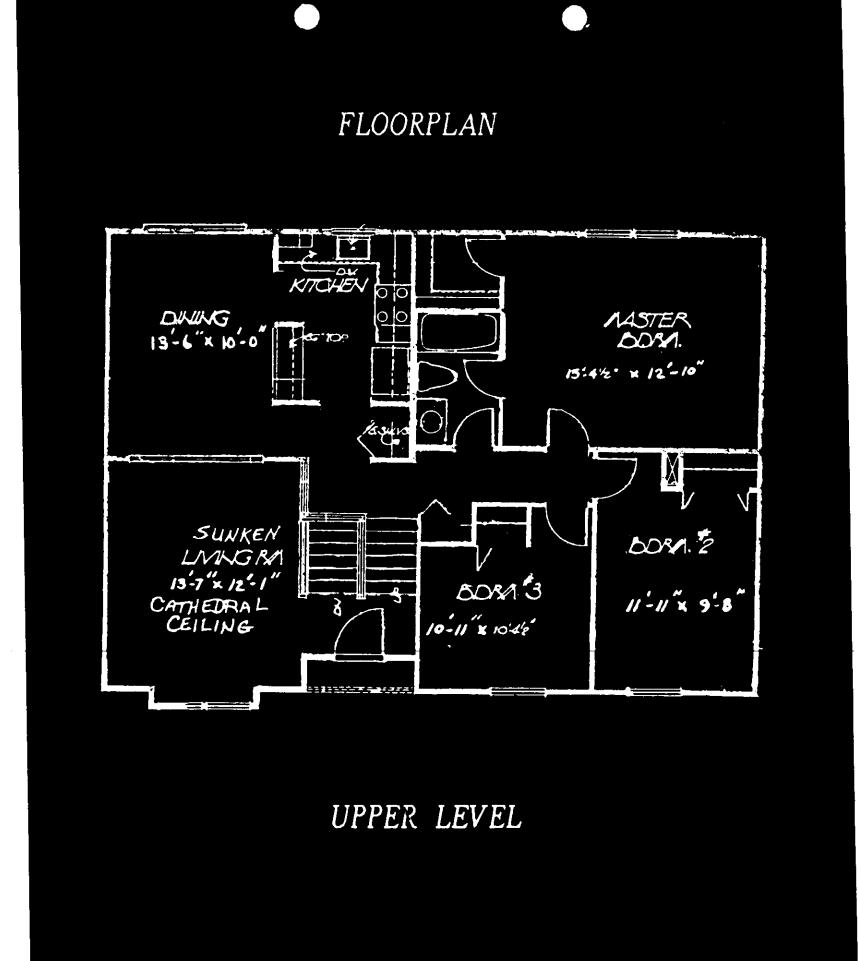
TOWSON, MARYLAND 21204 - PHONE - 887-3900. THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

CHECK ITEM APPLICABLE TO THIS PLAN









Richard D. Nieberline Builder WILLOW SPRING SPECIFICATIONS/ STANDARDS FEATURES JUNE 1, 1990

8" X 16" CONCRETE FOOTINGS OAK RAILINGS BLOCK FOUNDATIONS OAK KITCHEN CABINETS 3" CONCRETE SLAB WITH VAPOR BARRIER LAMINATED COUNTERTOPS BLACKTOP DRIVEWAY STAINLESS STEEL SINKS ASPHALT DAMP PROOFING MARBLE LIKE VANITY TOPS TERMITE PRE-TREATMENT NO WAX VINYL FLOORING DRAIN TILE AND SUMP WALL TO WALL CARPET HEM/FIR FLOOR JOIST 16" O.C. COPPER WATER LINES 2" X 4" FRAMING 16" O.C. 55 GAL. HOT WATER HEATER 5/8" TONGUE AND GROOVE SUB FLOOR LAUNDRY HOOK UP 7/16" WOOD WALL & ROOF SHEATHING COPPER WIRING LOWER LEVEL BATH ROUGH IN 200 AMP ELECTRIC SERVICE PANEL VINYL GERMAN SIDING QUALITY LIGHTING FIXTURES FIBERGLASS POOF SHINGLES CONTINUOUS CLEAN RANGE R13 INSULATION IN WALLS VENTED RANGE HOOD DISHWASHER AND GARBAGE DISPOSAL R30 INSULATION IN CEILINGS TYVEK HOUSE WRAP 2 TV AND 2 PHONE JACKS 6 PANEL COLONIAL DOORS HEAT PUMP WITH CENTRAL A.C. COLONIAL MOULDING GALVINIZED AIR DUCT SEAMLESS ALUMINUM GUTTERS ANDERSEN WINDOWS WITH FULL SCREENS DEAD BOLT LOCKS UNDERGROUND UTILITIES

DEAD BOLT LOCKS

INSULATED EXTERIOR DOORS



